

INTERNAL POLICY AND PROCEDURE

TITLE: Grievance Procedures for Classified Employees

EFFECTIVE DATE: October 18, 2012

CANCELLATION: DCI 2534.3 (7/8/91)

DIVISION: BUSINESS AND ADMINISTRATIVE AFFAIRS (BAA)

CATEGORY: Human Resources (Civil Service Employment)

RESPONSIBLE DEPARTMENT: Human Resources (L)

PROCEDURES & SPECIFIC INFORMATION

1. **Purpose**

The purpose of this policy is to state the grievance procedures for classified employees of Delgado Community College.

2. **Scope and Authority**

This procedure applies to all permanent classified employees at the College.

3. **Background**

Delgado Community College strives to have satisfied employees. Sometimes dissatisfaction arises in the relationship between employees or between employees and their supervisors. If this occurs, employees are encouraged to discuss a complaint with their supervisor. If, however, classified employees are not satisfied with the supervisor's decision, they may use the following procedure.

4. **Guidelines**

A. It is the policy of the College to develop and maintain a satisfied and efficient work force. In observance of this policy, when an employee feels he/she has been treated unjustly, he/she has the right to use the grievance procedure without fear of coercion, discrimination or reprisal. Only those grievances that cannot be appealed to the Civil Service Director or the Civil Service Commission shall be processed through the College grievance procedure. The grievance form is to be used if the grievant is not satisfied with the oral decision of his/her immediate supervisor at the first step of the grievance procedure. The form will be completed at each subsequent step at which the appeal is made.

- B. Performance Evaluation System (PES) Reviews are handled by a different process than the classified grievance procedure. For more information on PES Reviews see Chapter 10 of the Civil Service Rules, or contact Delgado's Human Resources Office.
- C. Complaints about letters of warning, reprimand, or counseling are handled by written responses and not through the grievance process.
- D. An employee may skip the grievance step that involves an individual in the employee's supervisory chain, if the grievance has to do with harassment by that individual.
- E. If a grievance is settled orally with the immediate supervisor, a memorandum record of the grievance may be prepared provided the employee is represented at that step. It is incumbent upon every supervisor to provide his/her employees with an opportunity to be heard in accordance with the following procedure.

5. **Appealable vs. Grievable**

A. **What is *appealable* to the Director of Civil Service?**

- An allocation or reallocation decision – Civil Service Rule 5.3
- The rejection of an application – Civil Service Rule 22.4
- A determination that an applicant lacks the minimum qualifications – Civil Service Rule 22.4(b)
- A Reviewer's decision concerning a PES given to a permanent employee – Civil Service Rule 10.14

B. **What is *appealable* to the Civil Service Commission?**

- A reassignment of a permanent employee for disciplinary reasons (moving an employee, for disciplinary reasons, into a different position with a different job title that has the same pay level)
- A suspension without pay, reduction in pay; involuntary demotion, or dismissal of a permanent employee
- A non-disciplinary removal of a permanent employee
- A layoff of a permanent employee
- An employment action/decision that discriminates against an employee because of his or her political or religious beliefs, sex, or race
- An employment action/decision that violates a Civil Service Rule or the Civil Service Article (Article X, Part 1 of the State Constitution)

C. **What is *grievable* to the College?**

Nearly all other complaints not listed above as appealable to the Director of Civil Service or Civil Service Commission generally are grievable at the College level. The following examples of complaints are grievable: health and safety concerns, personality disputes between supervisor and subordinates or among workers, perceived unfair treatment that does not rise to the level of discrimination, changes in work location or hours, requirements of supervisory plans.

However, for many actions, the difference between whether the action is appealable or grievable is WHY the employee is challenging the action or sometimes WHO the employee is. The following chart contains some examples:

COLLEGE ACTION	REASON	GRIEVANCE vs. APPEAL
Denial of Merit Increase	because of race	Appeal to Commission
	"unfair" attendance policy	College Grievance
Denial of Promotion	because of gender	Appeal to Commission
	person selected did not meet qualification requirements	Appeal to Commission
	employee believes he/she is better qualified	College Grievance
No overtime compensation	non-exempt employee	Appeal to Commission
	exempt employee	College Grievance
Suspension with pay	permanent employee	Appeal to Commission
	non-permanent employee	College Grievance

6. **Internal Grievance Procedure**

A. **Step One**

If a grievance is settled orally with the immediate supervisor, a written record is not mandatory. However, if the employee (grievant) is not satisfied with the oral decision of the immediate supervisor, then the [Classified Employee Grievance Form](#) (Form BAA-L08/001) is used at each subsequent step at which the appeal is made.

The employee may present the grievance form to his/her immediate supervisor within fourteen (14) calendar days from the date the employee first became aware of, or should have become aware of, the cause of such grievance. If possible, the grievance should be settled at that level. The immediate supervisor must provide a written response to the grievance on the form within seven (7) calendar days.

The employee should not disrupt his/her work schedule to present a grievance to the supervisor. They will arrange a meeting at a time, which is mutually convenient. The supervisor will be expected to give this meeting prompt attention. If the grievant is satisfied with the outcome of the immediate supervisor's decision, he or she indicates this on the form and the grievance is closed.

B. Step Two

If the grievant is not satisfied with the first-step response, or if a response is not provided within the prescribed time limit, the grievant indicates this on the grievance form. Within seven (7) calendar days following the date the grievant received the immediate supervisor's response, or within seven (7) calendar days following the date the immediate supervisor's response was due if the immediate supervisor fails to respond within the prescribed time limit, the grievant then may present the grievance form to the intermediate supervisor (next-level supervisor) for a decision.

The intermediate supervisor must investigate, afford the grievant an opportunity to present his or her viewpoint, and provide the grievant a written response containing findings and recommendations on the form within fourteen (14) calendar days of receipt of the written grievance. If the grievant is satisfied with the outcome of the intermediate supervisor's decision, he or she indicates this on the form and the grievance is closed.

C. Step Three

If the grievant is not satisfied with the second-step response, or if the second-step response is not provided within the prescribed time limit, the grievant indicates this on the form and may present the grievance to the Assistant Vice Chancellor for Human Resources who serves as the designated third-step representative for the College. If the grievant does not know who this is, he/she should contact his Human Resources Office for guidance.

Within seven (7) calendar days following the date the grievant received the second-step response, or within seven (7) calendar days following the date the second-step response was due if the second-step response is not made within the prescribed time limit, the grievant may submit the grievance to the Assistant Vice Chancellor for Human Resources.

The Assistant Vice Chancellor for Human Resources must conduct a hearing, an investigation if deemed appropriate, OR a review of the first and second-step responses, and must issue a written decision within twenty-one (21) calendar days following the date the grievance entered the third step. If a hearing is conducted, the grievant shall be given notice at least 5 calendar days in advance of the hearing, unless this is waived by the grievant.

D. Step Four

If the grievant is not satisfied with the third-step response, or if a response is not provided within the prescribed time limit, the grievant indicates this on the grievance form. Within seven (7) calendar days following the date the grievant received the Assistant Vice Chancellor for Human Resources' response, or within seven (7) calendar days following the date the response was due if the Assistant Vice Chancellor for Human Resources fails to respond within the prescribed time limit, the grievant then may present the grievance form to the Chancellor for a decision.

The Chancellor or an appointed representative shall meet with the grievant and the employee within fourteen (14) calendar days of the receipt of the written grievance and shall render a decision within seven (7) calendar days thereafter. **This is the final step in the College's internal grievance procedure.**

7. General Provisions

- A. The grievance policy, procedure and forms are accessible on the College's website.
- B. Grievances may be consolidated for the following reasons:
 - Multiple grievances filed by an employee that involve similar or related circumstances
 - Separate grievances filed by two or more employees regarding the same issues
- C. The College has the right to collect evidence in a manner that is least disruptive to operations, and most cost-effective. If travel is necessary, the travel expenses of witnesses called to give a statement in a grievance shall be paid by the College.
- D. An employee who files a grievance may be granted appropriate time during work hours to be involved with the procedure; however, employees have no right to use excessive amounts of work time for their grievances. The employer has a responsibility to ensure that the effective and efficient operations of the work unit continue without disruption. Grievance rights do not relieve an employee of the responsibility to do the assigned job.
- E. In accordance with Civil Service Grievance Procedures, an employee who files a grievance has no right to representation. However, an employee who files a grievance has the right to have a person accompany him or her at any step of the process, but the person accompanying the grievant cannot participate in the process.
- F. Any employee who uses his or her official position to coerce, or influence in any improper manner any person involved in the grievance process shall be subject to disciplinary action.

8. Hearing Provisions

- A. The Assistant Vice Chancellor for Human Resources may designate a hearing officer or a grievance committee to hear a grievance.
- B. In a grievance procedure, the person against whom the grievance complaint is made shall have the right to give a statement at the hearing.
- C. The Assistant Vice Chancellor for Human Resources or his/her designee is the only individual authorized to hold classified employee grievance hearings.
- D. No employee may use his or her position to coerce, attempt to coerce, or influence in any improper manner, any hearing officer or member of a grievance committee.
- E. The time and place of the hearing shall be specified by the Assistant Vice Chancellor for Human Resources. The hearing is to take place during regular business hours at a place accessible to the grievant.
- F. The Assistant Vice Chancellor for Human Resources or his/her designee has the authority to require anyone behaving in a disruptive manner to leave the hearing proceedings.
- G. An employee who files a grievance has the right to have a person accompany him or her at the hearing, but the person accompanying the grievant cannot enter into the proceedings of the hearing.

9. Summary Disposition of Grievance

At any time after the filing of a written grievance, the Assistant Vice Chancellor for Human Resources may dismiss the grievance on any of the following grounds:

- The action is appealable to the Director of Civil Service or to the Civil Service Commission.
- The grievant does not work for the College.
- The person against whom the grievance is filed does not work for the College.
- The grievance has not been made in the required manner or within the prescribed period.
- A decision on the grievance would be ineffective or moot.
- The remedy requested cannot be granted.
- The Assistant Vice Chancellor for Human Resources has determined the grievance to be frivolous.
- The grievance is being used to impede the efficient operation of the College.
- The grievant did not appear for the grievance hearing.

When the Assistant Vice Chancellor for Human Resources dismisses a grievance, he or she shall notify the grievant and any immediate or intermediate supervisor who received the grievance.

10. Records of Grievance Forms

The Assistant Vice Chancellor for Human Resources is responsible for maintaining records of all grievance forms.

Reference: Civil Service Rule 3.1

Attachment: [Classified Employee Grievance Form](#) (Form BAA-L08/001)

Review Process:

- Ad Hoc Committee on Classified Grievance Procedures 10/1/12
- Business & Administrative Affairs Council Electronic Review 10/8/12
- Vice Chancellor for Business & Administrative Affairs 10/9/12

Approval: A. C. Eagan, III
Vice Chancellor for Business and Administrative Affairs 10/18/12

Louisiana State Civil Service Review: 10/18/12



CLASSIFIED EMPLOYEE GRIEVANCE FORM

When an employee feels that he/she has been treated unjustly, the employee has the right to file a grievance. Only those grievances that cannot be appealed to the Civil Service Director or the Civil Service Commission shall be processed using the College grievance procedure. If a grievance is settled orally with the immediate supervisor, a written record is not mandatory. However, if the employee (grievant) is not satisfied with the oral decision of the immediate supervisor, then the Classified Employee Grievance Form is used at each subsequent step at which the appeal is made.

*The employee may present the grievance form to his/her immediate supervisor within fourteen (14) calendar days from the date the employee first became aware of, or should have become aware of, the cause of such grievance. If possible, the grievance should be settled at that level. **The original grievance form, when completed, must be placed on file in the Office of the Assistant Vice Chancellor for Human Resources.***

Note: An employee may skip the grievance step that involves an individual in the employee's supervisory chain, if the grievance has to do with harassment by that individual.

NAME DATE

JOB CLASSIFICATION

GRIEVANCE STATEMENT

RELIEF SOUGHT

Grievant's Signature _____

Date _____



DECISION OF IMMEDIATE SUPERVISOR

The immediate supervisor must provide a written response to the grievance within seven (7) calendar days.

RESPONSE

Supervisor's Signature _____

Date _____

Date Received from Supervisor _____

Grievant Initials _____

GRIEVANT'S RESPONSE (Please initial by the appropriate response.)

_____ I am satisfied with the answer to my grievance.

_____ I am not satisfied with the answer to my grievance and wish to have it referred to the next step.

Grievant's Signature _____ Date _____

If the grievant is not satisfied with the first-step response, or if a response is not provided within the prescribed time limit, the grievant indicates this on the grievance form. Within seven (7) calendar days following the date the grievant received the immediate supervisor's response, or within seven (7) calendar days following the date the immediate supervisor's response was due if the immediate supervisor fails to respond within the prescribed time limit, the grievant then may present the grievance form to the intermediate supervisor (next-level supervisor) for a decision.

STEP TWO
DECISION OF INTERMEDIATE SUPERVISOR

The intermediate supervisor must investigate, afford the grievant an opportunity to present his or her viewpoint, and provide the grievant a written response containing findings and recommendations within fourteen (14) calendar days of receipt of the written grievance.

Intermediate Supervisor's Signature _____ Date _____

Date Received from Intermediate Supervisor _____ Grievant's Initials _____

GRIEVANT'S RESPONSE (Please initial by the appropriate response.)

_____ I am satisfied with the answer to my grievance.

_____ I am not satisfied with the answer to my grievance and wish to have it referred to the next step.

Grievant's Signature _____ Date _____

If the grievant is not satisfied, he or she may submit the grievance to the Assistant Vice Chancellor for Human Resources or designee within seven (7) calendar days following the date the grievant received the second-step response, or within seven (7) calendar days following the date the second-step response was due if the second-step response is not made within the prescribed time limit.

STEP THREE
DECISION OF ASSISTANT VICE CHANCELLOR FOR HUMAN RESOURCES

The Assistant Vice Chancellor for Human Resources or designee must conduct a hearing, an investigation if deemed appropriate, OR a review of the first and second-step responses, and must issue a written decision within twenty-one (21) calendar days following the date the grievance entered the third step. If a hearing is conducted, the grievant shall be given notice at least 5 calendar days in advance of the hearing, unless this is waived by the grievant.

Signature _____ Date _____

Date Received from
Assistant Vice Chancellor for Human Resources _____ Grievant's Initials _____

GRIEVANT'S RESPONSE (Please initial by the appropriate response.)

_____ I am satisfied with the answer to my grievance.

_____ I am not satisfied with the answer to my grievance and wish to have it referred to the next step.

Grievant's Signature _____ Date _____

If the grievant is not satisfied with the third-step response, or if a response is not provided within the prescribed time limit, the grievant indicates this on the grievance form. Within seven (7) calendar days following the date the grievant received the Assistant Vice Chancellor for Human Resources' response, or within seven (7) calendar days following the date the response was due if the Assistant Vice Chancellor for Human Resources fails to respond within the prescribed time limit, the grievant then may present the grievance form to the Chancellor for a decision.

STEP FOUR
DECISION OF THE CHANCELLOR OR APPOINTED REPRESENTATIVE

*The Chancellor or an appointed representative shall meet with the grievant within fourteen (14) calendar days of the receipt of the written grievance and shall render a decision within seven (7) calendar days thereafter. **This is the final step in the College internal grievance procedure.***

Signature _____ Date _____

Title _____